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MEMO ENDORSEMENT

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- VIA ECF -

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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December 7, 2022

Re: *United States v. Fabrice Tontisabo*
21-cr-701 (LAK)
Request to adjourn motion schedule, oral arguments

Dear Judge Kaplan:

The parties jointly respectfully request an adjournment of the motion schedule and January 10, 2023 court date for oral arguments thereon, for the reasons which follow. On November 11, 2022, the Government sought and was granted an adjournment of its time to respond to pretrial motions filed by the Defendant for thirty days, until December 14, 2022. *See*, Dkt. No. 39. Since then, the parties have been actively engaged in plea discussions which would obviate the need for trial in this matter. In the course of our discussions, the Government has agreed to provide Mr. Tontisabo until December 16, 2022, to properly consider the Government's offer, contained in a formal plea agreement.

Further, as to the January 10, 2023 court date, I am scheduled to be on trial in the matter of *U.S. v. Michael Sherokee*, 21-CR-682 (Northern District of Ohio). It's my understanding that AUSA Camille Fletcher will also be engaged on trial during this time. Accordingly, the parties request that the Court modify its scheduling order. We jointly propose that the Government be allowed to submit its response to pretrial motions on or before December 30, 2022, followed by Defendant's reply due on or before January 7, 2023. Then, owing to our respective trial schedules, we ask that a date for oral arguments be set for the end of January 2023, or the first week of February, depending on the Court's availability.

*Granted.
Conference and/or recessed
Date Feb. 2, 2023
10 am*

cc: AUSA Camille L. Fletcher (via ECF)

Respectfully submitted,

/s/ *Conor McNamara*

Conor McNamara, Esq.

LEWIS A. KAPLAN, U.S.D.J.

12/8/22